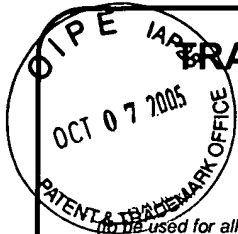


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TRANSMITTAL FORM

Application Number		09/993,887
Filing Date		November 27, 2001
First Named Inventor		Jax B. Cowden
Art Unit		2135
Examiner Name		Truong, Thanhnga B.
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ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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Firm	Okamoto & Benedicto LLP		
Signature	<i>Patrick D. Benedicto</i>		
Printed Name	Patrick D. Benedicto		
Date	October 4, 2005	Reg. No.	40,909

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Signature	<i>Patrick D. Benedicto</i>		
Typed or printed name	Patrick D. Benedicto	Date	October 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 10005.000100

Appeal Brief

October 4, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jax B. Cowden et al.

Application No.: 09/993,887

Examiner: Truong, Thanhnga B.

Filing Date: November 27, 2001

Art Unit: 2135

Assignee: Claria Corporation

Title: Method And Apparatus For Blocking Unwanted Windows

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Sir:

This appeal brief follows the Notice of Appeal filed by Applicants on August 9, 2005.

A check covering the fee set forth in 37 C.F.R. § 41.20(b)(2) for a small entity is submitted herewith. It is believed that no additional fee is required. If for any reason an insufficient fee has been paid or additional fees are required, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

I. REAL PARTY IN INTEREST

The real party in interest is Claria Corporation of Redwood City, California, which is the assignee of the present application.

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II. RELATED APPEALS AND INTERFERENCES

On information and belief, there are no appeals, interferences, or judicial proceedings known to the appellant, the appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board of Patent Appeals and Interferences (the "Board") decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-30 are pending in this application and stand finally rejected.

Claims 1-30 are being appealed. These claims are rejected in the final office action mailed June 15, 2005 ("last office action").

IV. STATUS OF AMENDMENTS

No amendment has been filed after the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter relates to blocking of unwanted windows that would otherwise be displayed on a computer screen. The claimed subject matter may be employed in a variety of applications including blocking of windows (e.g. pop-up, pop-under) that result from surfing on the Internet. As is well known, windows may be displayed on a user's computer screen as the user browses web sites on the Internet. Because some of these windows may be unacceptable to the user, the claimed subject matter provides the user with a computer program that allows selective blocking of windows based on a changeable set of criteria that may be updated from time to time to optimize the computer program and prevent obsolescence.

Independent claim 1 recites a method for preventing windows from being displayed in a computer. The method detects the launching of a new window (Specification, FIG. 7, step 702; page 20, lines 17-19). The method consults a

changeable set of criteria to determine if the new window is of a certain type. The changeable set of criteria may be an exclusion list listing a set of domain names where window blocking is not allowed (Specification, FIG. 3, exclusion lists 312A and 312B; FIG. 7, steps 706 and 708; page 21, lines 3-10) or a set of rules for determining whether the new window is a good window or a bad window (Specification, FIG. 3, rules list 310; FIG. 7, steps 709, 710; page 11, line 14 to page 12, line 9). If the new window turns out to be of a first type (e.g. good window or listed in an exclusion list), the new window is allowed to be displayed (Specification, FIG. 7, step 708 or 709 to step 714). However, if the new window turns out to be of a second type (e.g. bad window), the new window is prevented from being displayed (i.e. blocked; Specification, FIG. 7, step 710 to step 712).

Independent claim 22 recites computer memory comprising a computer program for blocking unwanted windows. Claim 22 recites a listener for receiving event notifications from a web browser (Specification, page 11, lines 4-9; FIG. 3, listener 306). The listener, among other functions, allows the program to detect when a new window is opening up so it can be analyzed by a window analyzer (Specification, page 11, lines 10-15; FIG. 3, window analyzer 308). The window analyzer may employ an exclusion list (Specification, FIG. 3, exclusion lists 312A and 312B; FIG. 7, steps 706 and 708; page 21, lines 3-10) or a rules list (Specification, FIG. 3, rules list 310; FIG. 7, steps 709, 710; page 11, line 14 to page 12, line 9) to determine if the new window is to be blocked or allowed to be displayed.

Independent claim 26 recites features similar to those of claim 22.

Independent claim 27 recites features similar to those of claim 1.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

To be reviewed on appeal is the rejection of claims 1-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,459,440 to Monnes et al. ("Monnes") in view of U.S. Patent No. 5,996,011 to Humes ("Humes") in the last office action.

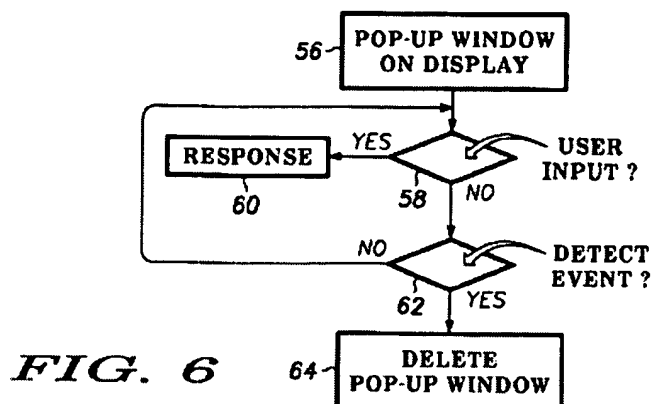
VII. ARGUMENTS

Applicants traverse the rejection of claims 1-30 under 35 U.S.C. § 103(a) as being unpatentable over Monnes in view of Humes for the following reasons.

A. CLAIMS 1-5 and 19-30

Claim 1 is patentable over Monnes and Humes at least for reciting: “detecting the launching of a new window,” “consulting a changeable set of criteria to determine if the window is of a certain type,” and “preventing the window from being displayed if the window is of a second type and not of the first type.”

The last office action cites Monnes column 2, lines 51-67 through column 3, lines 1-10 and column 8, lines 1-39 for support in rejecting claim 1. The entirety of Monnes, however, does not disclose or suggest **detecting** the launching of a new window and **preventing** the window from being displayed if it is of a second type as recited in claim 1. Nothing in Monnes detects for the launching of a new window because windows are not prevented from being displayed in Monnes in the first place. This is not surprising considering that Monnes’ applications are meant to display messages to the user. For example, it is clear from Monnes that pop-up 10 is displayed (i.e., not prevented from being displayed) by the display 14 per the request of an application 20 (Monnes, column 3, lines 13-22). The same application 20 can send a request to **delete** the pop-up 10 (Monnes column 3, lines 61). Note that deleting the pop-up 10 is not preventing the pop-up 10 from being displayed – the pop-up 10 has long been displayed by the display 14. FIG. 6 of Monnes is reproduced below for ease of discussion:



It is clear from FIG. 6 above that **Monnes always allows pop-up windows to be displayed** (step 56) to allow users to respond to it (step 58). Monnes is clear that:

“FIG. 6 is a flowchart of the operation of the electronic device 12 in accordance with the present invention. The process begins with Step 56, in which **the pop-up window 10 is displayed on the display 14.**”

Monnes, col. 9, lines 13-16 (emphasis added)

That is, in Monnes, the pop-up window is first displayed on the screen. Monnes does not consult a changeable set of criteria to determine if the window is of a certain type. The pop-up window is deleted at some point **after** the pop-up window has already been displayed (step 64), regardless of the window’s type (see also, Monnes, col. 3, lines 43-61).

Humes does not disclose or suggest preventing windows from being displayed either. In Humes, **data** from certain sites are prevented from being displayed in the window employed by the user, but no **window** is prevented from being displayed. That is, Humes does not disclose or suggest any technique for preventing windows from being displayed. Humes merely prevent displaying of data in a browser window that is already displayed in the computer screen. Humes FIG. 2, which is cited in the last office action for support, is reproduced below for ease of discussion.

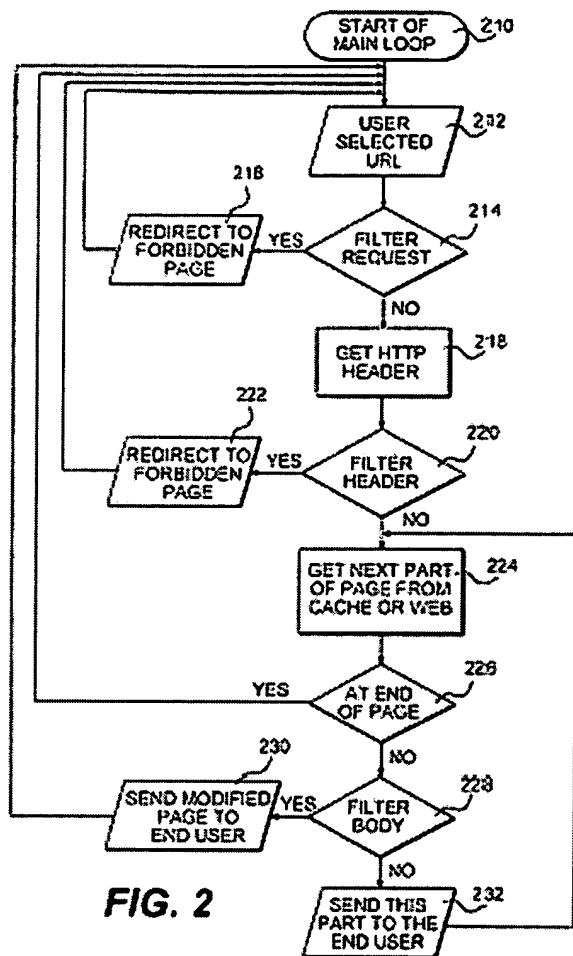


FIG. 2

Referring to Humes FIG. 2 above, Humes, at most, redirects a window to a forbidden page (steps 216, 222) or displays a modified page (step 230) on the window if the user navigates to a forbidden URL (step 212) (Humes, col. 5, line 3 to col. 7, line 7). However, **no window is prevented from being displayed** in that process. At most, Humes restricts access to data from being shown in a window that is already displayed. It is respectfully submitted that the last office action confuses windows from data displayed on windows.

Like Monnes, Humes also does not detect the launching of a new window or determine if a window is of a certain type. This is not surprising given that Humes pertains to filtering contents from websites, not blocking of windows.

To summarize, neither Monnes nor Humes discloses or suggests:

- detecting the launching of a new window;
- determining the type of the window; and
- preventing the window from being displayed if the window is of a certain type.

It is well established that references employed in an obviousness rejection must disclose all the limitations of the rejected claim. Here, the combination of Monnes and Humes fails to disclose at least three limitations of claim 1. Therefore, it is respectfully submitted that claim 1 is patentable over Monnes and Humes.

Claims 2-5 directly depend on claim 1, while claims 19-21 depend on claim 1 by way of claim 3. Therefore, claims 2-5 and 19-21 are patentable over Monnes and Humes at least for the same reasons that claim 1 is patentable as well as because of the combination of features set forth in these claims and in claim 1.

The last office action rejects claims 22 and 26-30 in the same manner as claims 1-3. The patentability of claims 1-3 over Monnes and Humes has already been discussed above. Therefore, similar to claim 1, independent claims 22, 26, and 27 are patentable over Monnes and Humes.

Claims 23-25 depend on claim 22. Therefore, claims 23-25 are patentable over Monnes and Humes at least for the same reasons that claim 22 is patentable, as well as because of the combination of features set forth in these claims and in claim 22.

Claims 28 and 29 directly depend on claim 27, while claim 30 depends on claim 27 by way of claim 29. Therefore, claims 28-30 are patentable over Monnes and Humes at least for the same reasons that claim 27 is patentable, as well as because of the combination of features set forth in these claims and in claim 27.

B. CLAIM 6

Claims 6-18 recite various characteristics of a window that may be used to determine if a window is a good window or a bad window. Neither Monnes nor Humes determines the type of a new window being launched or prevent the window from being displayed if the window is of a certain type, let alone determine the type of the window

based on the window's characteristics. Claims 6-11 recite characteristics of windows that the inventors believe are likely to be of the second type (i.e. "bad windows") and thus should be blocked. Claims 12-18 recite characteristics of windows that the inventors believe are likely of the first type (i.e. "good windows") and should be allowed to be displayed.

Claim 6 recites that windows of the second type include a window that does not have a menu bar. Neither Monnes nor Humes discloses or suggests that windows that do not have a menu bar should belong to a type of window that should be prevented from being displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 6. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

C. CLAIM 7

Claim 7 recites that windows of the second type include a window that does not have a tool bar. Neither Monnes nor Humes discloses or suggests that windows that do not have a tool bar should belong to a type of window that should be prevented from being displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 7. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

D. CLAIM 8

Claim 8 recites that windows of the second type include a window launched when a web site is exited. Neither Monnes nor Humes discloses or suggests that windows launched when a web site is exited should belong to a type of window that should be prevented from being displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 8. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

E. CLAIM 9

Claim 9 recites that windows of the second type include a window navigating to an About:Blank. Neither Monnes nor Humes discloses or suggests that windows navigating to an About:Blank should belong to a type of window that should be prevented from being displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 9. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

F. CLAIM 10

Claim 10 recites that windows of the second type include a window launched within a short period of time after a user navigates to another web page. Neither Monnes nor Humes discloses or suggests that windows launched within a short period of time after a user navigates to another web page should belong to a type of window that should be prevented from being displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 10. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

G. CLAIM 11

Claim 11 recites that windows of the second type include a window launched by another window that is to be closed. Neither Monnes nor Humes discloses or suggests that windows launched by another window that is to be closed should belong to a type of window that should be prevented from being displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 11. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

H. CLAIM 12

Claim 12 recites that windows of the first type include a window that has a password field. Neither Monnes nor Humes discloses or suggests that windows that have a password field should belong to a type of window that should be allowed to be displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 12. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

I. CLAIM 13

Claim 13 recites that windows of the first type include a window that has a login field. Neither Monnes nor Humes discloses or suggests that windows that have a login field should belong to a type of window that should be allowed to be displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 13. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

J. CLAIM 14

Claim 14 recites that windows of the first type include a window initiated by a user. Neither Monnes nor Humes discloses or suggests that windows initiated by a user should belong to a type of window that should be allowed to be displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 14. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

K. CLAIM 15

Claim 15 recites that windows of the first type include a window navigating to an address that previously appeared on a status bar of a web browser. Neither Monnes nor Humes discloses or suggests that windows navigating to an address that previously appeared on a status bar of a web browser should belong to a type of window that should be allowed to be displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 15. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

L. CLAIM 16

Claim 16 recites that windows of the first type include a window that is being launched at least a second time. Neither Monnes nor Humes discloses or suggests that windows being launched at least a second time belong to a type of window that should be allowed to be displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of

claim 16. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

M. CLAIM 17

Claim 17 recites that windows of the first type include a window originating from a secure domain. Neither Monnes nor Humes discloses or suggests that windows originating from a secure domain belong to a type of window that should be allowed to be displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 17. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

N. CLAIM 18

Claim 18 recites that windows of the first type include a window appearing when a main browser window has not changed for some time. Neither Monnes nor Humes discloses or suggests that windows appearing when a main browser window has not changed for some time belong to a type of window that should be allowed to be displayed.

The last office action suggests that Monnes, in column 9, lines 25-43 discloses the limitations of claims 6-18. The undersigned has carefully read the last office action and the cited Monnes col. 9, lines 25-43 and could not find any support for the rejection of claim 18. The cited portions of Monnes merely talk about displaying pop-ups and deleting already displayed pop-ups – not how to type windows.

VIII. CLAIMS INVOLVED IN THE APPEAL

The claims involved in the appeal are included in the Appendix submitted herewith.

Docket No. 10005.000100
Appeal Brief
October 4, 2005

IX. CONCLUSION

For at least the above reasons, allowance of claims 1-30 is respectfully requested.

Respectfully submitted,
Scott G. Eagle et al.

Dated: Oct. 4, 2005

Patrick Benedicto

Patrick D. Benedicto, Reg. No. 40,909
Okamoto & Benedicto LLP
P.O. Box 641330
San Jose, CA 95164
Tel.: (408)436-2110
Fax.: (408)436-2114

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Signature:	<u>Patrick Benedicto</u>		
Typed or Printed Name:	Patrick D. Benedicto	Dated:	October 4, 2005
Express Mail Mailing Number (optional):			

APPENDIX

CLAIMS INVOLVED IN THE APPEAL

1. In a computer, a method for preventing windows from being displayed comprising:
 - detecting the launching of a new window;
 - consulting a changeable set of criteria to determine if the window is of a certain type;
 - allowing the window to be displayed if the window is of a first type; and
 - preventing the window from being displayed if the window is of a second type and not of the first type.
2. The method of claim 1 wherein the set of criteria includes a set of rules.
3. The method of claim 1 wherein the set of criteria includes a set of domain names.
4. The method of claim 1 wherein the second type includes a pop-up window.
5. The method of claim 1 wherein the second type includes a pop-under window.
6. The method of claim 1 wherein the second type includes a window that does not have a menu bar.
7. The method of claim 1 wherein the second type includes a window that does not have a tool bar.
8. The method of claim 1 wherein the second type includes a window launched when a web site is exited.
9. The method of claim 1 wherein the second type includes a window navigating to an About:Blank.
10. The method of claim 1 wherein the second type includes a window launched within a short period of time after a user navigates to another web page.
11. The method of claim 1 wherein the second type includes a window launched by another window that is to be closed.
12. The method of claim 1 wherein the first type includes a window that has a password field.

13. The method of claim 1 wherein the first type includes a window that has a login field.
14. The method of claim 1 wherein the first type includes a window initiated by a user.
15. The method of claim 1 wherein the first type includes a window navigating to an address that previously appeared on a status bar of a web browser.
16. The method of claim 1 wherein the first type includes a window that is being launched at least a second time.
17. The method of claim 1 wherein the first type includes a window originating from a secure domain.
18. The method of claim 1 wherein the first type includes a window appearing when a main browser window has not changed for some time.
19. The method of claim 3 wherein the first type includes a window from a domain included in the set of domain names.
20. The method of claim 3 wherein the set of domain names includes locally entered domain names.
21. The method of claim 3 wherein the set of domain names includes domain names received from a remotely located computer.
22. In a computer, a memory comprising:
 - a listener, the listener including computer-readable program code for receiving event notifications from a web browser;
 - a window analyzer, the window analyzer including computer-readable program code for detecting whether a window is of a certain type;
 - an exclusion list, the exclusion list including a set of domain names wherein blocking of windows is disabled; and
 - a rules list, the rules list including a set of rules for determining whether a window is a good window or a bad window.
23. The memory of claim 22 wherein the exclusion list may be updated by downloading a new set of domain names from a server computer.
24. The memory of claim 22 wherein the exclusion list may be locally updated by a user.

25. The memory of claim 22 wherein the rules list may be updated by downloading a new set of rules from a server computer.
26. A computer-readable storage medium comprising:
a listener, the listener including computer-readable program code for receiving event notifications from a web browser;
a window analyzer, the window analyzer including computer-readable program code for detecting whether a window is of a certain type; and
an updateable rules list, the rules list including a set of rules for determining whether a window is a good window or a bad window.
27. In a computer, a method for processing windows comprising:
detecting the launching of a new window;
determining whether the window is a good window or a bad window;
allowing the window to be displayed if the window is a good window;
preventing the window from being displayed if the window is a bad window and not a good window; and
allowing the window to be displayed if the window is neither a good window nor a bad window.
28. The method of claim 27 further comprising:
allowing the window to be displayed if the window is from a domain included in a list of domain names.
29. The method of claim 27 wherein the act of determining whether the window is a good window or a bad window is performed by consulting a rules list that includes rules for detecting a bad window and rules for detecting a good window.
30. The method of claim 29 wherein the rules list is updateable.